

REMARKS

Pending Claims

Claims 40-48 have been canceled without prejudice or disclaimer. Claims 1-39 were canceled without prejudice or disclaimer by prior amendments. New claims 54-68 have been added to further claim the elected invention. Claims 49, 52 and 58 are independent. There are now 3 independent claims and 20 total claims pending.

Response to Restriction Requirement

In response to the Restriction Requirement, Applicants hereby elect for further prosecution on the merits, with traverse, Invention III, including claims 52-53, described by the Examiner as being drawn to "data routing", and classified by the Examiner in class 709, subclass 238. Applicants specifically reserve the right to prosecute the non-elected claims in divisional applications. New claims 54-68 have been added to further claim the elected invention. For example, new independent claim 60 is directed to a "system for providing a plurality of different services to a user based on an amount of money paid by the user", which is also the subject of elected claim 52.

Additionally, Applicants respectfully traverse the Restriction Requirement with respect to claims 49-52, and request reconsideration and withdrawal of the Restriction Requirement with respect to these claims. According to MPEP 803, if the search and examination of all the claims in the application can be made without serious burden, the examiner must examine them on the merits even though they

include claims to independent or distinct inventions. A serious burden on the examiner must be shown in the Restriction Requirement by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02.

Applicants respectfully submit that the Restriction Requirement has failed to provide any explanation as to why separate classification of claims 49 and 52 is appropriate, or why the invention of claim 52 would now be classified in a separate class (class 708) from the invention of claim 49 (class 705), when the Examiner's previous fields of search have all been in class 705. Further, the Restriction Requirement has failed to demonstrate a serious burden since the same field of search will in all likelihood be required for examining both the elected invention of claims 53-68 and the invention of claims 49-52, as all of these claims include the limitation of a settlement terminal device at a retail location, as discussed further below. Thus, Applicants respectfully submit that no additional searching burden will be required for considering claims 49-52 in addition to claims 53-68. Accordingly, as the Restriction Requirement fails to show a serious burden on the Examiner and fails to provide appropriate explanation of separate classification, Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement with respect to claims 49-52. Applicants further specifically reserve their right to petition the Director to review the appropriateness of the Restriction Requirement, and further specifically reserve their right to rejoinder of claims following allowance of any generic or linking claim.

35 U.S.C. §103

The Office Action mailed April 13, 2007, rejected claims 37-39 under 35 U.S.C. §103(a) as being unpatentable over Gifford, U.S. Patent No. 5,724,424 (hereafter "Gifford") in view of Aucsmith et al., U.S. Patent No. 5,712,914 (hereafter "Aucsmith"). Furthermore, the Advisory Action mailed October 9, 2007, states that the merchant computer of Gifford is both the service provision device and the settlement terminal device of Applicant's claims. However, an advantage of the invention is that the settlement terminals may be devices already located in any number of retail locations for the convenience of the user and are completely separate from the service provision devices that provide a variety of different services to the user at the information terminal. For example, as noted in Applicant's specification, settlement terminal devices normally exist in locations throughout the country, such as convenience stores, kiosks, bookstores, video rental stores, and other retail stores; they are installed in stores which are convenient for users to make settlements (see, e.g., page 17, line 10, through page 18, line 4). Thus, Gifford fails to teach a settlement terminal device located at a retail location, as set forth in Applicant's independent claims 49, 52 and 60. Accordingly, Applicant respectfully submits that claims 49, 52 and 60 are allowable for this aspect.

Additionally, independent claim 52 includes that there are a plurality of service provision devices, each providing a different service from others of the service provision devices, while new claim 60 provides for a service provision device for providing a specific service. Gifford combined with Aucsmith and/or the other art of

record fail to teach or suggest a system that enables the use of an ID as recited in claim 52 in conjunction with a plurality of different service provision devices, or the use of an ID as recited in claim 60 with a service provision device for providing a specific service of a plurality of services. Accordingly, Applicant respectfully submits that these claims are allowable for these aspects as well.

Furthermore, independent claim 49 includes receiving by a user at an information terminal device an online slip including at least one ID number displayed on the information terminal device, presenting the at least one ID number at a settlement terminal device at a retail location, and paying a money amount by the user to be associated with the at least one ID number for use in future payment for services. Gifford, on the other hand, teaches a purchase transaction in which a buyer computer sends a purchase message 25 to a merchant computer (col. 5, line 67, through col. 6, line 2). The merchant computer then attempts to construct a payment order at 26 using information it has gathered about the user (col. 6, lines 3-5). If the merchant computer is able to construct a complete payment order, the payment order is sent to a payment computer for authorization (col. 6, lines 9-11). The payment computer checks the authorization of the payment order, and if the payment system authorizes the request, an authorization message at 29 is returned to the buyer computer, and the merchant computer checks at 30 that the authorization message came from the payment computer using an authenticator mechanism (col. 6, lines 50-56). Thus, Gifford fails to teach or suggest that a user receives an ID number via an online slip and then uses this ID number at a

settlement terminal at a retail location, as recited in Applicant's claim 49. Aucsmith and the other art of record also provide no teachings regarding this aspect. Thus, Applicant respectfully submits that claim 49 is allowable for this aspect as well.

The remaining claims not discussed above are dependent claims, are directed to additional patentable aspects of the invention, and are allowable at least because they depend from an allowable base claim.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,


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